

Introduced by Senator Liu

March 9, 2009

Senate Concurrent Resolution No. 20—Relative to the Children of Incarcerated Parents Bill of Rights.

LEGISLATIVE COUNSEL’S DIGEST

SCR 20, as introduced, Liu. Children of Incarcerated Parents Bill of Rights.

This measure would adopt the Children of Incarcerated Parents Bill of Rights, and would encourage designated entities to distribute the bill of rights to identified children of incarcerated parents, and to invite discussion and encourage relevant departments to use the bill of rights as a framework for analysis and determination of procedures when making decisions about services for these children.

Fiscal committee: yes.

- 1 WHEREAS, As many as 1 in 10 children have a parent who is
2 in jail, prison, or on parole or probation; and
3 WHEREAS, Over the last 15 years, federal and state
4 governments have expanded and lengthened criminal sentences,
5 particularly for drug offenses, incarcerating an increasing number
6 of adults. An unintended consequence of this rapid increase in
7 adult incarceration has been the growing number of children whose
8 parents are, or have been, in jail or prison; and
9 WHEREAS, The California sample of this national survey found
10 that two-thirds of the state’s male prison inmates and 79 percent
11 of the state’s female prison inmates were parents, with an average
12 of 2.5 children for the men and 2.9 children for the women. Still,
13 state law provides very limited direction on how criminal justice

1 authorities should interact with the families and children of
2 prisoners; and

3 WHEREAS, Studies indicate that maintaining family bonds
4 during incarceration reduces recidivism for parents and improves
5 outcomes for children; and

6 WHEREAS, The San Francisco Children of Incarcerated Parents
7 Partnership (SFCIPP) has developed a bill of rights for children
8 of incarcerated parents and has turned it into a resolution for the
9 city; and

10 WHEREAS, This bill of rights gives the child the right to be
11 kept safe and informed at the time of the parent's arrest. California
12 will strive to develop arrest protocols that support and protect
13 children and offer children and their caregivers basic information
14 about the postarrest process whenever possible; and

15 WHEREAS, This bill of rights gives the child the right to be
16 heard when decisions are made about him or her. California will
17 strive to train staff at institutions whose constituency includes
18 children of incarcerated parents to recognize and address these
19 children's needs and concerns; and

20 WHEREAS, This bill of rights gives the child the right to be
21 considered when decisions are made about his or her parent.
22 California will strive to review current sentencing law in terms of
23 its impact on children and families, turn arrest into an opportunity
24 for family preservation, and include a family impact statement in
25 presentence investigation reports; and

26 WHEREAS, This bill of rights gives the child the right to be
27 well cared for in his or her parent's absence. California will strive
28 to support children by supporting their caretakers and offer
29 subsidized guardianship; and

30 WHEREAS, This bill of rights gives the child the right to speak
31 with, see, and touch his or her parent. California will strive to
32 provide access to visiting rooms that are child-centered,
33 nonintimidating and conducive to bonding, consider proximity to
34 family when siting prisons and assigning prisoners, and encourage
35 child welfare departments to facilitate contact; and

36 WHEREAS, This bill of rights gives the child the right to
37 support as they face his or her parent's incarceration. California
38 will strive to train adults who work with young people to recognize
39 the needs and concerns of children whose parents are incarcerated,

1 and provide access to specially trained therapists, counselors, and
2 mentors; and

3 WHEREAS, This bill of rights gives the child the right not to
4 be judged, blamed, or labeled because his or her parent is
5 incarcerated. California will strive to create opportunities for
6 children of incarcerated parents to communicate with and support
7 each other and consider different responses when a parent is
8 arrested; and

9 WHEREAS, This bill of rights gives the child the right to a
10 lifelong relationship with his or her parent. California will strive
11 to reexamine the Adoption and Safe Families Act, designate a
12 family services coordinator at prisons and jails, support
13 incarcerated parents upon reentry, and focus on rehabilitation and
14 alternatives to incarceration; and

15 WHEREAS, The state, by adopting a bill of rights for children
16 with incarcerated parents, can improve its rate of recidivism and
17 improve outcomes for the youth by striving to: increase access to
18 jail visiting facilities that are child-centered, provide transportation
19 for the children to visit their incarcerated parents, provide
20 opportunities with adults who are trained to address the unique
21 needs of children of incarcerated parents, and create opportunities
22 for children of incarcerated parents to communicate with and
23 support each other; now, therefore, be it

24 *Resolved by the Senate of the State of California, the Assembly*
25 *thereof concurring*, That, the Legislature hereby adopts this bill
26 of rights for children of incarcerated parents. Appropriate entities
27 including, but not limited to, the State Department of Social
28 Services, the Department of Corrections and Rehabilitation, the
29 Office of the State Foster Care Ombudsperson, schools, relevant
30 nonprofit organizations, law enforcement agencies, and other
31 departments that interact with children of incarcerated parents are
32 encouraged to distribute this bill of rights to identified children of
33 incarcerated parents, utilizing available funds; and be it further

34 *Resolved*, That these entities are encouraged to invite discussion
35 and encourage relevant departments to use this bill of rights as a
36 framework for analysis and determination of procedures when
37 making decisions about services for the children of incarcerated
38 parents; and be it further

- 1 *Resolved*, That the Secretary of the Senate transmit copies of
- 2 this resolution to the author for appropriate distribution.

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